

Notice of Allowability

Application No.

09/910,821

Applicant(s)

DONNER, IRAH H.

Examiner

FIRMN BACKER

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/4/05.
2. ☒ The allowed claim(s) is/are 1,3,9-12,17,27-30 and 33-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

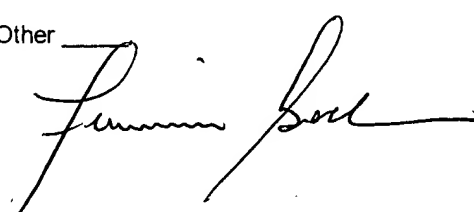
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 4th, 2005 has been entered.

Response to Amendment

2. An amendment has been filed along with the RCE on August 4th, 2005
3. Claim 17, 28, 38 and 40 have been amended
4. Claims 2, 4-8, 13-16, 18-26, 31-32 and 41-45 are cancelled.
5. Claims 1, 3, 9-12, 17, 27-30, and 33-40 remain pending in the application.

Allowable Subject Matter

6. Claims 1, 3, 9-12, 17, 27-30, and 33-40 allowed.
7. The following is an examiner's statement of reasons for allowance:
 - a. Applicant discloses an invention relates to upgrading and/or reallocating for the purchasing of event ticket and server linked network. Applicant's invention is novel an

Art Unit: 3621

innovative in the that it determine a predetermine time period associated with the event indicative of another event customer from event customers not attending the event in accordance with the predetermined criteria including at least on of agreement with one or more of the customers the event customer not providing notice of non-attendance a first predetermined time period prior to the event, the event customer not providing notice of non-attendance a second predetermined time period after the time of the start of the event, the event customer leaving the event early and other predetermined criteria.

Polling the wireless device of a plurality of users to determine whether additional seat have been made available and releasing an allocation associated with the another event customer and notifying at least one of the event customers that are at least one of currently attending the event and registered for said at least one of reallocating, reprovisioning, upgrading and awarding responsive to said releasing the allocation.

Walker et al the closet prior at teach a system that is directed to a method for controlling access to a venue. The method includes receiving a ticket represents a right to access the venue and includes indicia which, when visible, indicates that the right to access the venue has been modified. The method also include examining the ticket to determine whether the ticket represents the right or the modified right and controlling access to the venue based on the right or the modified right. Walker et al fail to teach determine a predetermine time period associated with the event indicative of another event customer from event customers not attending the event in accordance with the predetermined criteria including at least on of agreement with one or more of the customers the event customer not providing notice of non-attendance a first predetermined time period prior

Art Unit: 3621

to the event, the event customer not providing notice of non-attendance a second predetermined time period after the time of the start of the event, the event customer leaving the event early and other predetermined criteria. Polling the wireless device of a plurality of users to determine whether additional seat have been made available and releasing an allocation associated with the another event customer and notifying at least one of the event customers that are at least one of currently attending the event and registered for said at least one of reallocating, reprovisioning, upgrading and awarding responsive to said releasing the allocation

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shehr (U.S PG Pub No. 2001/0018660) *teach when using the computerized card--is the result of achieving faster admission or improved throughput at the point-of-service, more service or product selections to choose from, up-to-date information available for micromarketing and inventory or money management purposes, and rendering of services from remote locations.*

Art Unit: 3621

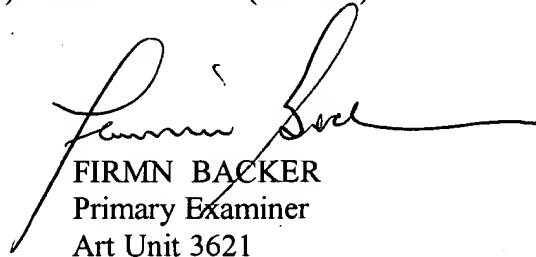
McNabb et al (WO 01/89150) *teach an invention related to managing data multicasting over a network.*

PR Newswire (August 11, 1999) *teach an system for ordering seating form majoring at any event nationwide.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FIRMN BACKER
Primary Examiner
Art Unit 3621

October 20, 2005